

REMARKS / ARGUMENTS

Applicant has elected the species of Embodiment 3 with traverse, and submits that Claims 1-6, 8, 14-17, and 19-21, each read on Embodiment 3.

Additionally, however, Applicant respectfully traverses the Election / Restriction requirement for the following reasons:

The Examiner alleges that Figures 1-10 are each directed to a patentably distinct species, and that none of the claims are generic.

In respectful disagreement with the Examiner, Applicant submits that Claims 1, 14, 15, 19 and 20 are each generic, whereby Claims 1, 14, 15, 19 and 20 each read on all species identified as the embodiments of Figures 1-10.

Specifically regarding independent Claim 1, Applicant submits that Claim 1 is directed to a first contact structure (24, 624), a second contact structure (26, 626), an operating mechanism (28), an auxiliary magnetic trip system (22), a strap (106), a first u-shaped collar (121, 120, 224, 227, 324), a first pole face (136, 228, 326), a trip lever (124, 232, 328), an axis (134, 238, 334), and a holdback system (150), which is seen to be generic to all embodiments of Figures 1-10.

Specifically regarding independent Claim 20, Applicant submits that Claim 20 is directed to flowing a first level of electrical current through a strap (106), inducing a magnetic force proportional to said first level of electrical current between a first pole face (136, 228, 326) and a trip lever (124, 232, 328), preventing movement of said trip lever (124, 232, 328) at said first level of electrical current, and releasing said trip lever (124, 232, 328) at a second level of electrical current, which is seen to be generic to all embodiments of Figures 1-10.

In view of Claims 1 and 20 being both independent and generic claims that read on all embodiments of Figures 1-10, Applicant respectfully submits that a restriction of the species identified as the embodiments of Figures 1-10 for examination purposes is improper.

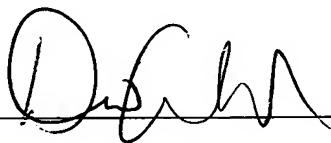
For at least this reason, this Restriction Requirement is wholeheartedly traversed,

and removal of the Requirement, at least with respect to the improper groupings noted above, is respectfully requested.

Consideration and allowance of these claims are respectfully requested. The foregoing is believed to be fully responsive to this office action.

If there are any charges with respect to this amendment, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by applicant's attorneys.

Respectfully submitted,
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CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)			Docket No. 41PR-7826 (GEN-0284-D)
Applicant(s): Roger N. Castonguay et al.			
Serial No. 10/064,678	Filing Date August 6, 2002	Examiner Donovan, Lincoln D.	Group Art Unit 2832
Invention: AUXILIARY MAGNETIC TRIP SYSTEM			

I hereby certify that this Response to Restriction Requirement (3 pages), Amendment Transmittal (1 page), Return Postcard is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 3, 2004.

Marianne S. Carello

(Typed of Printed Name of Person Mailing Correspondence)

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(Signature of Person Mailing Correspondence)